

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

JOSHUA H. CRITTENDON,

Case No. 2:20-cv-02062-GMN-VCF

Plaintiff,

ORDER

v.

AHJALEE COOPER,

Defendant.

**I. DISCUSSION**

On August 12, 2021, this Court entered an order permitting this action to proceed against Defendant Cooper solely on Plaintiff's First Amendment claim of retaliation and Eighth Amendment claim of excessive force. (ECF No. 10 at 1). The Court stayed the case for 90 days to give Plaintiff and Defendant Cooper an opportunity to settle their dispute before the filing fee was paid, an answer was filed, or the discovery process began. (*Id.* at 2). The Court directed the Attorney General's Office to notify the Court whether it would enter a limited notice of appearance on behalf of Defendant Cooper for the purpose of settlement. (*Id.* at 3).

On September 2, 2021, the Attorney General's Office informed the Court that it could not make a limited appearance for the purpose of settlement because Defendant Cooper, the only remaining defendant in this action, was no longer employed by the Nevada Department of Corrections ("NDOC"). (ECF No. 11 at 1). The Attorney General's Office explained that it could not appear on behalf of Defendant Cooper because she had not requested representation from the Office, and she did not agree to have them represent her when she left the NDOC. (*Id.* at 1-2).

In light of that notice, the Court now orders the Attorney General's Office to send a letter to Defendant Cooper at her last known address informing her that she is a defendant in this lawsuit. In that letter, the Attorney General's Office will ask Defendant Cooper if she would like the Office to represent her in this matter. Within 30 days from the date of this order, the Attorney General's Office will file an updated notice with the

1 Court informing the Court whether it will be entering a limited notice of appearance on  
2 behalf of Defendant Cooper for the purpose of settlement in light of that letter.

3 If the Attorney General's Office enters a limited notice of appearance on behalf of  
4 Defendant Cooper for the purpose of settlement, the Court will schedule an early inmate  
5 mediation conference. However, if the Attorney General's Office notifies the Court that it  
6 will not be entering a limited notice of appearance in light of its communication with  
7 Defendant Cooper, the Court will issue an order that: (1) removes this case from the early  
8 inmate mediation program, (2) rules on the application to proceed *in forma pauperis*, and  
9 (3) begins the service process with the U.S. Marshal's Office.

## 10 **II. CONCLUSION**

11 For the foregoing reasons, IT IS ORDERED that the Attorney General's Office will  
12 send a letter to Defendant Cooper at her last known address informing her of this lawsuit  
13 and asking whether she seeks to have the Office represent her for the limited purpose of  
14 settlement.

15 IT IS FURTHER ORDERED that, within 30 days from the date of this order, the  
16 Attorney General's Office will file an updated notice with the Court informing the Court  
17 about Defendant Cooper's representation status.

18 IT IS FURTHER ORDERED that, within 30 days from the date of this order, the  
19 Attorney General's Office will advise the Court whether it will enter a limited notice of  
20 appearance on behalf of Defendant Cooper for the purpose of settlement. No defenses  
21 or objections, including lack of service, will be waived as a result of the filing of the limited  
22 notice of appearance.

23 IT IS FURTHER ORDERED that, if the Attorney General's Office does not receive  
24 authorization to represent Defendant Cooper and does not enter a limited notice of  
25 appearance, within 30 days the Office will file, under seal, but will not serve the inmate  
26 Plaintiff, the last known address of Defendant Cooper. If the last known address of the  
27 defendant is a post office box, the Attorney General's Office will attempt to obtain and  
28 provide the last known physical address.

1 IT IS FURTHER ORDERED that, if this case remains in the early inmate mediation  
2 program, the Court extends the 90-day stay and the deadline for the 90-day stay status  
3 report until 5 days after any scheduled mediation.

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5 DATED THIS 21<sup>st</sup> day of October 2021.



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United States Magistrate Judge